

Appl. No. 09/529,575
Atty. Docket No. 7042R
Amdt. dated July 12, 2006
Reply to Office Action of April 12, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 31, 32, 36, 41-46, 48, and 52-53 are pending in the present application. Claims 41 and 45 are canceled without prejudice. Claim 31 has been amended to incorporate the limitations of claims 41 and 45, respectively. Support for the amendment may be found in the claims as originally filed. Claims 42, 44, and 46 have been amended to correct the claims' dependencies in view of the abovementioned claim cancellations. Since it is believed that these changes do not involve any introduction of new matter, entry of these changes is believed to be in order and is respectfully requested. No additional claims fee is believed to be due.

Rejections Under 35 USC § 103(a)

Claims 31, 32, 36, 41-46, and 48-53 continue to be rejected under 35 USC § 103(a) as being unpatentable over Caldwell. The Office states that the reference discloses all aspects of the claimed invention but remains silent as to the percent by weight of the protease inhibitor. The Office therefore reasons that it would have been obvious to one of ordinary skill in the art at the time of the invention to have the protease inhibitor present in the article in a range of about 0.0001% to about 30% by weight. Applicant respectfully traverses this rejection.

The Office states "that it would have been obvious to one of ordinary skill in the art at the time of invention to have the protease inhibitor present in the article in a range of about 0.0001% to about 30% by weight. The protease inhibitor of Caldwell is coated onto the absorbent article, as disclosed in column 56, lines 15-21, and to coat the surface of the article fully, the amount of protease inhibitor would obviously have to be greater than 0.0001% by weight. However, the surface of the article can only accommodate so much of a coating, and therefore it would also be obvious that the protease inhibitor would not be greater than 30% by weight."

Applicant respectfully submits that pending Claims 31, 32, 36, 42-44, 46, 48, and 52-53 are not obvious in view of Caldwell. Applicant has amended the claims of the present invention to recite a particular embodiment of the present invention that requires that the protease inhibitor be in an activatable delivery system. The Caldwell reference fails to teach or suggest such a delivery system. Although the reference teaches that the pentamidine could be in particle form, its inclusion in an activatable delivery system is not

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alluded to in the slightest. Thus, it is unlikely that a skilled artisan would have even been motivated by Caldwell's disclosure to even attempt to arrive at the present invention.


Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under §103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 31, 32, 36, 42-44, 46, 48, and 52-53 is respectfully requested.

Respectfully submitted,

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